

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

TIMOTHY A. JOHNSON,

Plaintiff,

v.

CIVIL ACTION NO. 2:21-cv-00380

WEST VIRGINIA UNIVERSITY BOARD
OF GOVERNORS, et al.,

Defendants.

ORDER

Pending before the Court are Plaintiff's Motion for Partial Summary Judgment as to Statute of Limitations Defense by Defendant Lingo Lai, M.D., (ECF No. 99), and Defendant Lai's Cross-Motion for Partial Summary Judgment as to the Statute of Limitations, (ECF No. 104). By order entered on November 10, 2021, (ECF No. 60), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations for disposition ("PF&R"). On February 22, 2023, Magistrate Judge Tinsley filed a PF&R recommending that this Court grant Plaintiff's motion and deny Defendant's motion. (ECF No. 144.) No objections were filed to the PF&R.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusion of the magistrate judge as to those portions of the PF&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections

constitutes a waiver of *de novo* review and the right to appeal the Court's order. 28 U.S.C. § 636(b)(1), *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989), *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, the Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R on the pending motions were due on March 13, 2023. (ECF No. 144.) To date, no party has submitted any objections in response to the PF&R, thus constituting a waiver of *de novo* review and the right to appeal the Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 144), **GRANTS** Plaintiff's Motion for Partial Summary Judgment as to Statute of Limitations Defense by Defendant Lingo Lai, M.D., (ECF No. 99), and **DENIES** Defendant Lai's Cross-Motion for Partial Summary Judgment as to the Statute of Limitations, (ECF No. 104).

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 20, 2023



THOMAS E. JOHNSTON, CHIEF JUDGE